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| APPLICATION NO. | FI | LING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|------------|------------|----------------------|---------------------|------------------|
| 10/789,213 | 02/27/2004 | | Doyle E. Cherry | Cherry-001 | 9133 |
| 21897 | 7590 | 06/27/2005 | | EXAMINER | |
| THE MATT | | | • | MEISLIN, | DEBRA S |
| 2000 BERIN SUITE 700 | G DRIVE | | ART UNIT | PAPER NUMBER | |
| HOUSTON, | TX 770 | 57 | 3723 | | |

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | Application No. | Applicant(s) | | | |
|---|--|--|--|--|--|--|
| | | 10/789,213 | CHERRY, DOYLE E. | | | |
| | Office Action Summary | Examiner | Art Unit | | | |
| | | Debra S. Meislin | 3723 | | | |
| Period fo | The MAILING DATE of this communication app or Reply | ears on the cover sheet with the d | correspondence address | | | |
| THE I - Exter after - If the - If NO - Failu Any r | ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Issions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b). | 36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE | nely filed /s will be considered timely. In the mailing date of this communication. ID (35 U.S.C. § 133). | | | |
| Status | | | | | | |
| 1)□ | Responsive to communication(s) filed on | | | | | |
| • — | This action is FINAL . 2b) ☐ This action is non-final. | | | | | |
| 3)□ | •• | | | | | |
| | closed in accordance with the practice under E | x parte Quayle, 1935 C.D. 11, 4 | 53 O.G. 213. | | | |
| Dispositi | on of Claims | | | | | |
| 5) 6) 7) | Claim(s) <u>1-40</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>1-40</u> are subject to restriction and/or expressions. | vn from consideration. | | | | |
| Applicati | on Papers | | | | | |
| 9)[| The specification is objected to by the Examine | r. | | | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | | |
| | Applicant may not request that any objection to the | = : : . | | | | |
| 11) | Replacement drawing sheet(s) including the correct. The oath or declaration is objected to by the Ex | | | | | |
| Priority u | ınder 35 U.S.C. § 119 | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| Attachment | t(s) | | | | | |
| 2) Notice 3) Inform | e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date | 4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other: | | | | |

Application/Control Number: 10/789,213

Art Unit: 3723

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. The species of a concave v-shaped jaw,
- b. The species of a concave radiused jaw with no axial cut, and having a radius of curvature smaller than the tubular being gripped,
- c. The species of a concave radiused jaw with no axial cut, and having a radius of curvature larger than the tubular being gripped,
- d. The species of a concave radiused jaw with an axial cut, and
- e. The species of a convex jaw.

Once applicant has elected one of the above species, then applicant must further elect between:

- f. The species of a metallic overlay that engages the tubular, and
- g. The species of a non-metallic overlay that engages the tubular.

Consequently, applicant must elect one of species a-e and one of species f-g.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 28 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Debra S Meislin Primary Examiner Art Unit 3723

June 22, 2005